

# Officer History

**Officer Name:** Hui, Samuel

**Tax ID:** 953978

**Sex:** M

**Shield:** 03588

**Race:** Asian

**Rank:** SGT

**Command:** 073

**DOB:** [REDACTED]

**Appt Date:** 01/09/2013

**Age:** [REDACTED]

**Tenure:** 8

CCRB #	Report Date	Incident Date	Allegation	Disposition	NYPD Disposition	NYPD Penalty	Command
201400853	01/27/2014	01/10/2014	Force - Physical force	Unsubstantiated			165
201610413	12/21/2016	12/07/2016	Abuse - Threat of arrest	Unsubstantiated			075
	12/21/2016	12/07/2016	Abuse - Vehicle stop	Unsubstantiated			075
	12/21/2016	12/07/2016	Abuse - Frisk	Substantiated (Command Discipline A)	Formalized Training	Formalized Training	075
	12/21/2016	12/07/2016	Abuse - Vehicle search	Substantiated (Command Discipline A)	No Disciplinary Action-DUP	Formalized Training	075
	12/21/2016	12/07/2016	Discourtesy - Action	Substantiated (Command Discipline A)	No Disciplinary Action-DUP	Formalized Training	075
	12/21/2016	12/07/2016	Abuse - Threat of summons	Unsubstantiated			075
	12/21/2016	12/07/2016	Abuse - Refusal to provide name/shield number	Unsubstantiated			075
	12/21/2016	12/07/2016	Discourtesy - Word	Unsubstantiated			075
[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]			[REDACTED]
	[REDACTED]	[REDACTED]		[REDACTED]			[REDACTED]
	[REDACTED]	[REDACTED]		[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
	06/04/2019	06/02/2019	Abuse - Vehicle search	Unsubstantiated			075
	06/04/2019	06/02/2019	Abuse - Question	Substantiated (Formalized Training)	Formalized Training	Formalized Training	075

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201904815	06/04/2019	06/02/2019	Abuse - Frisk	Unsubstantiated			075
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
201905013	[REDACTED]	[REDACTED]	[REDACTED]				[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]				[REDACTED]
	06/11/2019	06/08/2019	Discourtesy - Action	Unsubstantiated			075
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
	06/11/2019	06/08/2019	OMN - Other Misconduct	Other Misconduct			075
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]				[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]				[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
202000291	01/13/2020	01/11/2020	Abuse - Failure to provide RTKA card				073
	01/13/2020	01/11/2020	Abuse - Failure to provide RTKA card				073
	01/13/2020	01/11/2020	Abuse - Vehicle search				073

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**Appt Date:** 01/09/2013

**Age:** [REDACTED]

**Tenure:** 8

CCRB #	Report Date	Incident Date	Allegation	Disposition	NYPD Disposition	NYPD Penalty	Command
202000291	01/13/2020	01/11/2020	Abuse - Search (of person)				073
	01/13/2020	01/11/2020	Abuse - Vehicle stop				073
	01/13/2020	01/11/2020	Abuse - Frisk				073
202002419	03/30/2020	03/13/2020	Discourtesy - Word				073
	03/30/2020	03/13/2020	Abuse - Failure to provide RTKA card				073
	03/30/2020	03/13/2020	Abuse - Entry of Premises				073
	03/30/2020	03/13/2020	Abuse - Refusal to provide shield number				073
	03/30/2020	03/13/2020	Abuse - Refusal to provide name				073
	03/30/2020	03/13/2020	Abuse - Stop				073
	03/30/2020	03/13/2020	Abuse - Search of Premises				073
	03/30/2020	03/13/2020	Abuse - Search of Premises				073
202002456	04/01/2020	03/14/2020	Abuse - Stop				073
	04/01/2020	03/14/2020	Abuse - Search (of person)				073
	04/01/2020	03/14/2020	Abuse - Frisk				073
202003996	06/06/2020	11/30/2019	Abuse - Failure to provide RTKA card				073
	06/06/2020	11/30/2019	Abuse - Stop				073
202006027	09/04/2020	05/17/2020	Force - Physical force				073
	09/04/2020	05/17/2020	Force - Nonlethal restraining device				073
202100233	01/11/2021	01/11/2021	Abuse - Threat of force (verbal or physical)				073
	01/11/2021	01/11/2021	Abuse - Refusal to provide shield number				073
	01/11/2021	01/11/2021	Abuse - Stop				073
	01/11/2021	01/11/2021	Discourtesy - Word				073

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**DOB:** [REDACTED]

**Appt Date:** 01/09/2013

**Age:** [REDACTED]

**Tenure:** 8

CCRB #	Report Date	Incident Date	Allegation	Disposition	NYPD Disposition	NYPD Penalty	Command
202100233	01/11/2021	01/11/2021	Abuse - Refusal to provide name				073
202100719	02/01/2021	01/27/2021	Abuse - Search (of person)				073
	02/01/2021	01/27/2021	Abuse - Stop				073
	02/01/2021	01/27/2021	Abuse - Frisk				073
	02/01/2021	01/27/2021	Discourtesy - Word				073
	02/01/2021	01/27/2021	Discourtesy - Action				073
	02/01/2021	01/27/2021	Force - Physical force				073
202102161	04/05/2021	03/25/2021	Abuse - Refusal to provide shield number				073
<b>Total Charges = 71</b>				<b>Total Cases = 18</b>			

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: William MacLure	Team: Squad #16	CCRB Case #: 201610413	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourtesy
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L. <input type="checkbox"/> Injury
Incident Date(s) Wed, 12/07/2016 12:52 AM	Location of Incident: Pennsylvania Avenue and Livonia Avenue	Precinct: 75	S.O.L. Expires: 06/07/2018	
Date/Time CV Reported Wed, 12/21/2016 4:29 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 12/21/2016 4:29 PM	

Complainant/Victim	Type	Home Address
1. S [REDACTED] F [REDACTED]	Comp/Victim	[REDACTED]
2. J [REDACTED] F [REDACTED]	Victim	[REDACTED]
3. S [REDACTED] Unknown	Victim	Unknown

Subject Officer(s)	Shield	TaxID	Command
1. POM Samuel Hui	28856	953978	075 PCT
2. SGT S [REDACTED] H [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
3. POM B [REDACTED] S [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
A . POM Samuel Hui	Abuse of Authority: Police Officer Samuel Hui stopped the vehicle in which S [REDACTED] F [REDACTED] J [REDACTED] F [REDACTED] and an individual were occupants.	A . Unsubstantiated
B . SGT S [REDACTED] H [REDACTED]	Abuse of Authority: Sergeant S [REDACTED] H [REDACTED] stopped the vehicle in which S [REDACTED] F [REDACTED] J [REDACTED] F [REDACTED] and an individual were occupants.	B . Unsubstantiated
C . POM B [REDACTED] S [REDACTED]	Abuse of Authority: Police Officer B [REDACTED] S [REDACTED] stopped the vehicle in which S [REDACTED] F [REDACTED] J [REDACTED] F [REDACTED] and an individual were occupants.	C . Unsubstantiated
D . POM Samuel Hui	Abuse of Authority: Police Officer Samuel Hui threatened to issue summons to J [REDACTED] F [REDACTED]	D . Unsubstantiated
E . POM Samuel Hui	Abuse of Authority: Police Officer Samuel Hui frisked J [REDACTED] F [REDACTED]	E . Substantiated
F . SGT S [REDACTED] H [REDACTED]	Abuse of Authority: Sergeant S [REDACTED] H [REDACTED] supervised the frisk of J [REDACTED] F [REDACTED]	F . Substantiated
G . POM B [REDACTED] S [REDACTED]	Abuse of Authority: Police Officer B [REDACTED] S [REDACTED] frisked an individual.	G . Substantiated
H . SGT S [REDACTED] H [REDACTED]	Abuse of Authority: Sergeant S [REDACTED] H [REDACTED] supervised the frisk of an individual.	H . Substantiated
I . POM B [REDACTED] S [REDACTED]	Abuse of Authority: Police Officer B [REDACTED] S [REDACTED] searched an individual.	I . Unsubstantiated
J . POM B [REDACTED] S [REDACTED]	Abuse of Authority: Police Officer B [REDACTED] S [REDACTED] frisked S [REDACTED] F [REDACTED]	J . Substantiated
K . SGT S [REDACTED] H [REDACTED]	Abuse of Authority: Sergeant S [REDACTED] H [REDACTED] supervised the frisk of S [REDACTED] F [REDACTED]	K . Substantiated
L . POM B [REDACTED] S [REDACTED]	Abuse of Authority: Police Officer B [REDACTED] S [REDACTED] searched S [REDACTED] F [REDACTED]	L . Unsubstantiated

Officer(s)	Allegation	Investigator Recommendation
M . POM Samuel Hui	Abuse of Authority: Police Officer Samuel Hui searched the vehicle in which S [REDACTED] F [REDACTED] J [REDACTED] P [REDACTED] and an individual were occupants.	M . Substantiated
N . SGT S [REDACTED] H [REDACTED]	Abuse of Authority: Sergeant S [REDACTED] H [REDACTED] supervised the search of the vehicle in which S [REDACTED] F [REDACTED] J [REDACTED] P [REDACTED] and an individual were occupants.	N . Substantiated
O . SGT S [REDACTED] H [REDACTED]	Abuse of Authority: Sergeant S [REDACTED] H [REDACTED] made a video recording of S [REDACTED] F [REDACTED]	O . Substantiated
P . SGT S [REDACTED] H [REDACTED]	Discourtesy: Sergeant S [REDACTED] H [REDACTED] acted discourteously toward S [REDACTED] F [REDACTED]	P . Substantiated
Q . POM Samuel Hui	Discourtesy: Police Officer Samuel Hui acted discourteously toward J [REDACTED] P [REDACTED]	Q . Substantiated
R . POM Samuel Hui	Discourtesy: Police Officer Samuel Hui spoke discourteously to J [REDACTED] P [REDACTED]	R . Unsubstantiated
S . POM Samuel Hui	Abuse of Authority: Police Officer Samuel Hui threatened to arrest J [REDACTED] P [REDACTED]	S . Unsubstantiated
T . POM Samuel Hui	Abuse of Authority: Police Officer Samuel Hui refused to provide his shield number to J [REDACTED] P [REDACTED]	T . Unsubstantiated

## Case Summary

S. [REDACTED] P. [REDACTED] filed this complaint with the CCRB on December 21, 2016 via telephone. On December 7, 2016, at approximately 12:52 a.m., J. [REDACTED] P. [REDACTED] Mr. F. [REDACTED] and an individual, known only as S. [REDACTED] were driving in the vicinity of Pennsylvania Avenue and Livonia Avenue in Brooklyn. PO Samuel Hui, Sgt. S. [REDACTED] H. [REDACTED] and PO B. [REDACTED] S. [REDACTED] stopped their vehicle at the northeast corner of Pennsylvania Avenue and Livonia Avenue (**Allegation A through C**). PO Hui asked Mr. P. [REDACTED] to exit the vehicle and threatened to issue Mr. P. [REDACTED] a summons if Mr. P. [REDACTED] did not allow him to search the vehicle (**Allegation D**). PO Hui frisked Mr. P. [REDACTED] (**Allegation E and F**). PO S. [REDACTED] asked S. [REDACTED] to exit the vehicle. PO S. [REDACTED] frisked and searched S. [REDACTED] (**Allegations G, H, and I**). PO S. [REDACTED] asked Mr. F. [REDACTED] to exit the vehicle. PO S. [REDACTED] frisked and searched Mr. F. [REDACTED] (**Allegations J, K, and L**). PO Hui searched Mr. P. [REDACTED] vehicle (**Allegations M and N**). Sgt. H. [REDACTED] video recorded Mr. F. [REDACTED] using his personal cell phone (**Allegation O and P**). PO Hui threw a summons at Mr. P. [REDACTED] (**Allegation Q**). Mr. P. [REDACTED] asked the officers what probable cause meant and PO Hui responded saying, “It means we could fucking arrest you right now. Do you want to get arrested right now?” (**Allegations R and S**). PO Hui refused to provide his shield number to Mr. P. [REDACTED] (**Allegation T**).

Mr. P [REDACTED] was issued a summons for driving with a defective brake light (Board Review 01-03).

During the incident, Mr. F█████ took a video using Facebook Live. The full video can be found under Board Review 04 and the SnagIt portions attached below can be found under Board Reviews 05 through 07. The transcription of the full video can be found under Board Review 03.



Snaglt 3.mp4

Age Group	Percentage of Respondents
18-29	80%
30-49	75%
50-64	70%
65+	60%

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

■ [REDACTED]  
[REDACTED]  
■ [REDACTED]  
[REDACTED]  
■ [REDACTED]  
[REDACTED]  
[REDACTED]

#### Potential Issues

- Mr. F [REDACTED] and Mr. P [REDACTED] friend, S [REDACTED] Unknown, could not be reached for a statement. Mr. F [REDACTED] and Mr. P [REDACTED] did not have contact information for S [REDACTED] and follow up attempts to obtain his full name and contact information were unsuccessful.

#### Findings and Recommendations

##### Explanation of Subject Officer Identification

- Allegations F, H, K, and N were pleaded against Sgt. Hi [REDACTED] because he was the highest ranking officer on the scene at the time and was responsible for supervising the frisks of Mr. F [REDACTED] Mr. P [REDACTED] and S [REDACTED] and the search of the vehicle in which they were occupants.

**Allegation A – Abuse of Authority: Police Officer Samuel Hui stopped the vehicle in which S [REDACTED] F [REDACTED] J [REDACTED] P [REDACTED] and an individual were occupants.**

**Allegation B – Abuse of Authority: Sergeant S [REDACTED] Hi [REDACTED] stopped the vehicle in which S [REDACTED] F [REDACTED] J [REDACTED] P [REDACTED] and an individual were occupants.**

**Allegation C – Abuse of Authority: Police Officer B [REDACTED] S [REDACTED] stopped the vehicle in which S [REDACTED] F [REDACTED] J [REDACTED] P [REDACTED] and an individual were occupants.**

It is undisputed that PO Hui, Sgt. Hi [REDACTED] and PO S [REDACTED] stopped Mr. P [REDACTED] vehicle.

Mr. F [REDACTED] was interviewed at the CCRB on December 27, 2016 (Board Review 11) and provided additional information in a follow up call on January 12, 2017 (Board Review 21). Mr. F [REDACTED] stated that he, Mr. P [REDACTED] and S [REDACTED] had just been at the gym. After going to the gym, they drove to a store on Livonia Avenue near the intersection of Pennsylvania Avenue. Mr. P [REDACTED] was driving his car, S [REDACTED] was in the front passenger seat, and Mr. F [REDACTED] was in the back passenger seat. Mr. F [REDACTED] and S [REDACTED] got out of the car and went to the store window while Mr. P [REDACTED] stayed in the vehicle. Mr. F [REDACTED] bought some milk, put his change into his right pants pocket, and then walked back to the car with S [REDACTED]. After being outside the car for approximately one minute, Mr. F [REDACTED] got into the back passenger seat of the car and S [REDACTED] got into the front passenger seat of the car. Immediately after they got into the car and started driving east on Livonia Avenue towards Pennsylvania Avenue, an unmarked police car behind them turned on its lights to pull them over. Mr. P [REDACTED] turned left onto Pennsylvania Avenue and stopped at the northeast corner of Pennsylvania Avenue and Livonia Avenue. Mr. F [REDACTED] did not observe Mr. P [REDACTED] commit any traffic infractions before the officers pulled them over.

Mr. P [REDACTED] was interviewed at the CCRB on December 27, 2016 (Board Review 12). Mr. P [REDACTED] statement corroborated Mr. F [REDACTED] statement. Mr. F [REDACTED] stated that he drives a blue, two-door, hatchback Honda Civic. Mr. P [REDACTED] was double parked while Mr. F [REDACTED] and S [REDACTED]



were at the store. After Mr. P [REDACTED] and S [REDACTED] got back in the car, Mr. P [REDACTED] saw PO Hui, Sgt. Hi [REDACTED] and PO S [REDACTED] in an unmarked car drive past them going the opposite direction on Livonia Avenue. Mr. P [REDACTED] said that the officers “eyeballed” all of them. Mr. P [REDACTED] observed the officers make a U-turn at the end of the block and pulled up behind him while he was waiting at the red light at Pennsylvania Avenue. Mr. P [REDACTED] turned left onto Pennsylvania Avenue and immediately after, the officers turned on their lights to pull him over. Mr. P [REDACTED] denied that his tail light was broken at the time of the incident.

PO Hui was interviewed at the CCRB on January 25, 2017 (Board Review 13). While facing eastbound on Livonia Avenue, PO Hui, who was driving the police vehicle, observed Mr. P [REDACTED] vehicle with a defective third brake light. Mr. P [REDACTED] vehicle was directly in front of the officers’ police vehicle and PO Hui indicated that the third brake light is the top brake light on the back of the vehicle. PO Hui observed Mr. P [REDACTED] vehicle for the duration of the red light, which he estimated was less than a minute. PO Hui did not observe Mr. P [REDACTED] make any other VTL infractions. After the light turned green, PO Hui pulled the vehicle over, using turret lights, at the northeast corner of Pennsylvania Avenue and Livonia Avenue.

Sgt. Hi [REDACTED] was interviewed at the CCRB on February 8, 2017 (Board Review 14). Sgt. Hi [REDACTED] stated that the officers followed Mr. P [REDACTED] vehicle for a few blocks after observing that it had a defective third brake light. Sgt. Hi [REDACTED] was not sure which block the officers first observed the vehicle on. Sgt. Hi [REDACTED] was seated in the back driver side seat of the police vehicle. PO Hui was driving the police vehicle and PO S [REDACTED] was seated in the front passenger seat. Sgt. Hi [REDACTED] did not recall who noticed the defective brake light first. Sgt. Hi [REDACTED] did not make any other observations about the vehicle or notice any additional defects before the officers pulled it over. The officers activated their turret lights in the vicinity of Pennsylvania Avenue and Livonia Avenue to pull the vehicle over. Mr. P [REDACTED] pulled over immediately when the officers signaled for him to do so.

PO S [REDACTED] was interviewed at the CCRB on February 9, 2017 (Board Review 15). PO S [REDACTED] stated that the officers observed Mr. P [REDACTED] vehicle stopped at a bodega in the vicinity of Pennsylvania Avenue and Livonia Avenue. PO S [REDACTED] believed that all of the occupants were inside the vehicle when the officers first observed the vehicle, but he was not sure. PO S [REDACTED] and PO Hui saw that the top brake light on Mr. P [REDACTED] vehicle was out. PO S [REDACTED] did not recall any additional defects on the vehicle. The officers made a u-turn to get behind Mr. P [REDACTED] vehicle. Mr. P [REDACTED] turned left at the intersection and the officers pulled Mr. P [REDACTED] over using their lights. Mr. P [REDACTED] pulled over when the officers turned their lights on.

The video taken by Mr. F [REDACTED] (Board Review 03 and 04) did not show whether or not Mr. P [REDACTED] tail light was defective or not.

The courts have held that even where the suspected traffic violation had nothing to do with the officers’ actual decision to stop a vehicle—the suspected traffic violation is a pretext for stopping the vehicle to investigate some other suspected illegal activity, United States v. Jenkins, 04 Cr. 179, 2004 (Board Review 22).

All officers stated that Mr. P [REDACTED] brake light was out at the time of the incident. However, Mr. P [REDACTED] denied that his brake light was out and stated that the only VTL infraction he committed was being double parked outside of the store, which none of the officers mentioned as a reason for pulling Mr. P [REDACTED] over. Without additional evidence, the investigation cannot determine whether or not Mr. P [REDACTED] third brake light was defective at the time of the incident and whether or not the stop was valid. Therefore, it is recommended that **Allegations A through C** be closed as **unsubstantiated**.

**Allegation D – Abuse of Authority: Police Officer Samuel Hui threatened to issue summons to J. P.**

It is disputed whether or not PO Hui threatened to issue Mr. P. a summons.

Mr. P. (Board Review 12) stated that PO Hui walked to the driver side window while PO S. and Sgt. H. went to the passenger side of the vehicle. PO Hui asked Mr. P. for his license and registration. Mr. P. gave PO Hui his license and registration and twice asked PO Hui why he was being stopped. PO Hui did not answer and instead asked Mr. P. to get out of the car. Mr. P. exited the vehicle and spoke with PO Hui near the back of the vehicle for about two minutes. PO Hui told Mr. P. that he was going to search the vehicle. Mr. P. told PO Hui that he did not consent to a search of his vehicle. PO Hui responded saying, “Well you’re going to let me search the vehicle, or I’m going to give you a summons for being parked in front of the store.” Mr. P. told PO Hui that he did not care and he did not consent to PO Hui searching the vehicle and that there was no summons PO Hui could give him because he did not do anything wrong. Mr. P. indicated that Mr. F. and S. were not asked to exit the vehicle until after this conversation took place.

Mr. F. (Board Review 11 and 21) said that the officers spoke with Mr. P. about searching the vehicle and he was not exactly sure what they said. Mr. F. thought that the officers might have told Mr. P. to let them search the vehicle so he would not get a ticket, but he was not sure.

PO Hui (Board Review 13) said he asked Mr. P. to exit the vehicle about 10 seconds after he began speaking with him. PO Hui brought Mr. P. to the back of the vehicle. PO Hui explained to Mr. P. the reason for the stop and why he was being asked out of the vehicle. PO Hui denied telling Mr. P. “Well you’re going to let me search the vehicle, or I’m going to give you a summons for being parked in front of the store.” PO Hui denied threatening to issue Mr. P. a summons before searching his vehicle.

Both Sgt. H. (Board Review 14) and PO S. (Board Review 15) denied hearing PO Hui threaten to issue a summons to Mr. P. if he did not allow him to search the vehicle.

The conversation between Mr. P. and PO Hui that occurred while Mr. P. was still in the car was not captured in the video taken by Mr. F. (Board Review 04).

Mr. P. and PO Hui’s testimonies directly contradict one another. Mr. P. testimony supports Mr. P. testimony, but Sgt. H. and PO S. testimonies support PO Hui’s testimony. Without additional evidence to corroborate either testimony, the investigation cannot determine whether or not PO Hui threatened to issue Mr. P. a summons if Mr. P. did not allow him to search the vehicle. Therefore, it is recommended that **Allegation D** be closed as **unsubstantiated**.

**Allegation E – Abuse of Authority: Police Officer Samuel Hui frisked J [REDACTED] P [REDACTED]**

**Allegation F – Abuse of Authority: Sergeant S [REDACTED] H [REDACTED] supervised the frisk of J [REDACTED] P [REDACTED]**

**Allegation G – Abuse of Authority: Police Officer B [REDACTED] S [REDACTED] frisked an individual.**

**Allegation H – Abuse of Authority: Sergeant S [REDACTED] H [REDACTED] supervised the frisk of an individual.**

**Allegation J – Abuse of Authority: Police Officer B [REDACTED] S [REDACTED] frisked S [REDACTED] F [REDACTED]**

**Allegation K – Abuse of Authority: Sergeant S [REDACTED] H [REDACTED] supervised the frisk of S [REDACTED] F [REDACTED]**

It is undisputed that PO Hui frisked Mr. P [REDACTED]. It is undisputed that PO S [REDACTED] frisked Mr. F [REDACTED] and S [REDACTED].

Mr. P [REDACTED] (Board Review 12) stated that, at the time of the incident, he was wearing Adidas track pants which had two side pockets and no back pockets. Mr. P [REDACTED] had nothing in his pockets. About two minutes after Mr. P [REDACTED] exited the vehicle, Mr. F [REDACTED] and S [REDACTED] were directed to exit the vehicle. Mr. F [REDACTED] told the officers that they did not do anything wrong and did not have any contraband on him. The officers told Mr. F [REDACTED] that they saw him put something in his pocket. Mr. F [REDACTED] told the officers that he had put change in his pocket after purchasing milk. PO Hui patted Mr. P [REDACTED] pants pockets. PO Hui did not enter Mr. P [REDACTED] pockets and did not take anything out of Mr. P [REDACTED] pockets. PO Hui did not ask to check Mr. P [REDACTED] pockets. Mr. P [REDACTED] never objected to PO Hui patting his pockets. Mr. F [REDACTED] later told Mr. P [REDACTED] that PO S [REDACTED] and Sgt. H [REDACTED] “checked” him and S [REDACTED]. Mr. P [REDACTED] was not sure how PO S [REDACTED] and Sgt. H [REDACTED] “checked” them.

Mr. F [REDACTED] (Board Review 11 and 21) stated that, immediately when the officers stopped their vehicle, he took his phone out of his jacket pocket so he could start filming the incident. PO Hui, Sgt. H [REDACTED] and PO S [REDACTED] immediately exited their vehicle after pulling them over. As the officers approached, Mr. F [REDACTED], Mr. P [REDACTED] and S [REDACTED] did nothing and were just sitting in the car. After the officers reached the vehicle, PO Hui was talking to Mr. P [REDACTED] and said something about a tail light. Mr. F [REDACTED] was not sure what else PO Hui said because he was focused on PO S [REDACTED] who was speaking with him and S [REDACTED] on the passenger side. PO S [REDACTED] was holding a flashlight which he was shining into the car. Mr. F [REDACTED] started recording using Facebook Live on his cell phone. PO S [REDACTED] told Mr. F [REDACTED] that he observed Mr. F [REDACTED] put something in his pocket while he was in the car. After a few minutes, PO Hui told Mr. P [REDACTED] to get out of the car. A few minutes after Mr. P [REDACTED] exited the vehicle, PO S [REDACTED] told S [REDACTED] and Mr. F [REDACTED] to get out of the car. PO S [REDACTED] searched S [REDACTED]. Mr. F [REDACTED] was not sure if PO S [REDACTED] patted S [REDACTED] pockets before putting his hands inside S [REDACTED] pockets, but Mr. F [REDACTED] knew that PO S [REDACTED] put his hands into S [REDACTED] pockets. After, PO S [REDACTED] searched S [REDACTED], PO S [REDACTED] patted all of Mr. F [REDACTED] pockets and then put his hands inside all of Mr. F [REDACTED] pockets. Mr. F [REDACTED] pants had two side pockets and his jacket had two side pockets. There were no back pockets on Mr. F [REDACTED] pants. PO S [REDACTED] never took anything out of Mr. F [REDACTED] pockets. Mr. F [REDACTED] believed that PO Hui searched Mr. P [REDACTED] but he could not see this because Mr. P [REDACTED] was on the driver side of the vehicle and he was on the passenger side.

PO Hui (Board Review 13) stated that when the officers were pulling over Mr. P [REDACTED] as his vehicle was coming to a complete stop, PO Hui observed Mr. F [REDACTED] turn around and look at the officers, reach towards his chest and under the seat. PO Hui observed this while he was still in the police vehicle, coming to a stop behind Mr. P [REDACTED] vehicle. PO Hui stated that, from his

point of view, he observed a black object in Mr. P [REDACTED] hand. When asked to describe the object, PO Hui said it could have been a handle or garbage, but he could not really tell because of the lighting. PO Hui could not remember if Mr. P [REDACTED] reached under the left side or right side of the seat. PO Hui could not remember if Mr. P [REDACTED] reached under the seat before or after he reached towards his chest. PO Hui said to PO S [REDACTED] and Sgt. H [REDACTED] "Did you see that? The rear passenger just reached under the seat." PO Hui did not remember if PO S [REDACTED] and Sgt. H [REDACTED] said that they also observed this. PO Hui said that the black object was no longer in Mr. P [REDACTED] hand when the officers approached the vehicle. PO Hui did not remember if there was anything in Mr. P [REDACTED] hand when the officers approached the vehicle, but said that there was no weapon in Mr. P [REDACTED] hand when the officers approached the vehicle. PO Hui approached the driver side of the vehicle. PO Hui could not remember specifically where PO S [REDACTED] and Sgt. H [REDACTED] were positioned, but said that one of them was on the passenger side and the other was at the rear of the vehicle. As noted above, PO Hui asked Mr. P [REDACTED] to exit the vehicle about 10 seconds after he began speaking with him. PO Hui explained to Mr. P [REDACTED] the reason for the stop, which was that his brake light was out, and the reason they were being removed from the vehicle, which was that the officers suspected them of having a weapon. PO Hui did not remember Mr. P [REDACTED] saying anything in response to this. When asked if he suspected Mr. P [REDACTED] of having a weapon, PO Hui initially said no, but then said that he "could not say no." PO Hui denied seeing Mr. P [REDACTED] make any furtive movements and said that Mr. P [REDACTED] did not make any movements to raise his level of suspicion to the point where he thought Mr. P [REDACTED] might have a weapon. PO Hui did not remember observing any bulges on Mr. P [REDACTED]. PO Hui did not remember if he frisked Mr. P [REDACTED] or not. PO Hui said that he definitely did not search Mr. P [REDACTED]. About 10 seconds after PO Hui removed Mr. P [REDACTED] from the vehicle, one of his partners removed S [REDACTED] and Mr. F [REDACTED] from the vehicle. PO Hui did not hear if Mr. F [REDACTED] or S [REDACTED] said anything when they were asked to exit the vehicle. PO Hui did not remember observing the S [REDACTED] and Mr. F [REDACTED] being frisked. PO Hui emphasized that he only interacted with Mr. P [REDACTED].

PO S [REDACTED] (Board Review 15) stated that when the officers turned on their lights to pull Mr. P [REDACTED] over, Mr. P [REDACTED] looked back at the officers and his eyes were "all blared out like he just saw a ghost." When the officers exited their vehicle and were approaching Mr. P [REDACTED] vehicle, PO S [REDACTED] saw Mr. P [REDACTED] reach across his body and put his right hand into his jacket pocket. Mr. P [REDACTED] then made a move from his jacket to the floor of the car. Mr. P [REDACTED] came back up and put his hand back into his jacket pocket while looking at the officers. PO S [REDACTED] initially stated that he saw a "black handle" which he said could be indicative of either a knife or a firearm. When asked at what point he saw the black handle, PO S [REDACTED] said that he did not see a black handle, but that he thought he saw a black handle. PO S [REDACTED] went on to further explain Mr. P [REDACTED] movements, indicating that Mr. P [REDACTED] movements took about the amount of time it would take for someone to take their phone out of their pocket. When asked again when he might have seen a black handle, PO S [REDACTED] said that he remembered seeing Mr. P [REDACTED] elbow being up and then seeing something reflective in his hand. PO S [REDACTED] approached the passenger side of the vehicle and PO Hui approached the driver side. PO S [REDACTED] did not remember where Sgt. H [REDACTED] was standing. PO S [REDACTED] said that PO Hui probably asked Mr. P [REDACTED] to exit the vehicle. PO S [REDACTED] did not know if PO Hui frisked Mr. P [REDACTED] because he was only focusing on Mr. F [REDACTED] and S [REDACTED]. PO S [REDACTED] did not remember exactly what was said back and forth. PO S [REDACTED] said he only spoke to Mr. F [REDACTED] and S [REDACTED] and that they were saying that the officers needed probable cause to take them out of

the car and asked why the officers were stopping them a lot of times. PO S█████ said it raised his suspicion even more because the occupants did not want to get out of the vehicle. PO S█████ estimated that the officers spoke to Mr. P█████ Mr. F█████ and S█████ for about 30 seconds before asking them to exit the vehicle. PO S█████ thought that Mr. F█████ took his phone out right before the officers asked everyone to get out of the vehicle. PO S█████ asked S█████ to exit the vehicle first and frisked him. PO S█████ frisked S█████ pockets and waistband area to make sure that he did not have any weapons on him. PO S█████ did not find anything on S█████ After frisking S█████ PO S█████ asked Mr. F█████ to exit the vehicle. PO S█████ frisked Mr. F█████ jacket and the right side of his pants from his right ankle up his right leg. PO S█████ said he did this because of the way that Mr. F█████ had motioned across his body and then down. PO S█████ wanted to check if Mr. F█████ put something in his pants or placed something in his sock. When asked if he saw any bulges on S█████ or Mr. F█████ PO S█████ said that he remembered it was a cold night. PO S█████ said Mr. F█████ was wearing a big coat at the time of the incident. PO S█████ said that a bulge plays a factor, but now people carry around “subcompact” weapons that are about the size of a phone, so a bulge might not always be there.

Sgt. Hi█████ (Board Review 14) also stated that he observed Mr. F█████ motion towards the floor and towards his jacket pocket when the officers approached Mr. F█████ vehicle. Sgt. Hi█████ said that it looked as if Mr. F█████ was fumbling with something. Sgt. Hi█████ did not see Mr. F█████ holding any objects. Sgt. Hi█████ was standing near the rear passenger side of the vehicle. Sgt. Hi█████ said that he could see into the vehicle from where he was standing and that Mr. F█████ stopped moving when the officers were at the sides of the vehicle. Sgt. Hi█████ could not remember if Mr. F█████ had anything in his hands at this point. A few seconds after the officers got to the sides of the vehicle, the officers ordered everyone to exit the vehicle for the officers’ safety. Mr. F█████ was filming during the incident and had his phone in his hand when he exited the vehicle. All of the occupants of the vehicle were frisked to see if they had a weapon after they were asked to exit the vehicle. PO Hui frisked Mr. P█████ first. Sgt. Hi█████ could not see if there were any bulges on Mr. P█████ After PO Hui frisked Mr. P█████ PO S█████ frisked S█████ and Mr. F█████ Sgt. Hi█████ stated that PO S█████ did not search Mr. F█████ or S█████ Sgt. Hi█████ did not remember seeing any bulges on Mr. F█████ or S█████ Sgt. Hi█████ said that he was not paying much attention when PO S█████ was frisking S█████ and Mr. F█████ because he was standing at the back of the vehicle with Mr. P█████ Nothing was discovered as a result of the frisk.

The video taken by Mr. F█████ via Facebook Live (Board Reviews 03, 04, and 05) did not capture Mr. P█████ being frisked. At 00:10 PO S█████ is pictured outside the passenger door with a flashlight. PO S█████ tells Mr. F█████ that they were stopped for a VTL infraction. PO S█████ asks Mr. F█████ and S█████ to step out of the car, put their hands on the roof, and stand still. At 00:44, S█████ is pictured standing outside the door. Only his lower body is visible and he is being frisked by PO S█████ S█████ moves to the back of the car. PO S█████ then asks Mr. F█████ if he needs to worry about anything in his pocket. Mr. F█████ tells PO S█████ that it is just his wallet and change. PO S█████ then tells Mr. F█████ “Because this is the reason why the car is... This is why everyone is leaving the car now. Because we’re behind you, and we see you shifting, and you put your hand in your jacket.” Mr. F█████ tells PO S█████ that he was putting the change from the store in his pocket. At about 01:03 in the video, PO S█████ looks at the camera and states, “What’s up?” At 01:39, PO S█████ tells Mr. F█████ “I don’t know it’s change, I don’t have x-ray vision. Just step out, put your hands on the roof.

Make sure it's just change and you can be on your way." Mr. F█████ agrees and steps out of the vehicle. Mr. F█████ puts his phone on the roof of the car and has the camera facing up. PO S█████ frisking Mr. F█████ was not pictured in the video. It is also clear in the video that Mr. F█████ is not wearing a big or bulky jacket.

The courts have held that officers have the authority to frisk an individual if the officer reasonably suspects that he is in danger of physical injury by virtue of the detainee being armed, People v. De Bour, 40 N.Y. 2d 210, 1976 (Board Review 16).

In People v. Hackett, the courts determined that nervousness and repeated looks at the officer's vehicle alone was insufficient to provide reasonable suspicion that there was a weapon located in the defendant's vehicle, People v. Hackett, A.D.3d 1122; 850 N.Y.S.2d 676, 2008 (Board Review 17).

In People v. Feldman, the courts determined that the totality of the information available to the police justified the frisk of the defendant. Specifically, the police officer's observation of the defendant's furtive motions in attempting to stuff something under the passenger seat, and the officer's confirmation, before the frisk, that something was protruding from under the passenger seat, when considered in the context of the physical struggle the officer observed transpiring between his partner and the driver, caused the officer to reasonably fear for his safety and reasonably believe that the defendant might possess a weapon, supported finding that there was "an actual and specific danger" to the officer's safety, People v. Feldman, 114 A.D.3d 603; 981 N.Y.S.2d 74, 2014 (Board Review 23).

Mr. F█████ stated that he took his cell phone out of his jacket pocket to start filming after the officers stopped the vehicle. None of the officers were able to provide a detailed description of the object that they stated they saw in Mr. F█████ while he was making movements in the back of the vehicle. However, PO S█████ described it as reflective and compared the amount of time that Mr. F█████ was moving to the amount of time it would take for someone to take a phone out of their pocket. All of the officers acknowledged that Mr. F█████ was filming during the incident, and PO S█████ acknowledged seeing Mr. F█████ phone in his hand while he was still inside the vehicle. Sgt. H█████ also stated that Mr. F█████ had his phone in his hand when he was exiting the vehicle. Additionally, in the video taken by Mr. F█████ PO S█████ acknowledges that Mr. F█████ was filming while he was still in the car. As such, the preponderance of the evidence suggests that the movements the officers described were those of Mr. F█████ taking his phone out of his jacket pocket. No officer described bulges on any of the passengers once they were outside of the car. Therefore, the basis for the officers' suspicion was Mr. F█████ movements, which, according to People v. Hackett would be insufficient to provide reasonable suspicion that there was a weapon in the car. Additionally, PO Hui admitted that he did not suspect Mr. F█████ had a weapon and made no movements that would have raised his suspicion. As such, there was no basis for the officers to reasonably suspect that Mr. F█████ Mr. P█████ or S█████ had a weapon or that there was a weapon in the car. Unlike in People v. Feldman, the totality of the information available to the officers did not justify the frisks of Mr. P█████ S█████ and Mr. F█████

Without reasonable suspicion that there was a weapon in the car or on the occupants, the frisk of Mr. F█████ Mr. P█████ and S█████ was unlawful. Therefore, it is recommended that **Allegations E, F, G, H, J, and K** be closed as **substantiated**.

**Allegation I – Abuse of Authority: Police Officer B [REDACTED] S [REDACTED] searched an individual.**

**Allegation L – Abuse of Authority: Police Officer B [REDACTED] S [REDACTED] searched S [REDACTED] F [REDACTED]**

It is disputed whether or not PO S [REDACTED] searched Mr. F [REDACTED] and S [REDACTED]. As noted above, Mr. F [REDACTED] (Board Review 11 and 21) stated that PO S [REDACTED] placed his hands into S [REDACTED] pockets and his pockets.

PO S [REDACTED] (Board Review 15) denied searching S [REDACTED] and Mr. F [REDACTED]. While Mr. F [REDACTED] alleged that PO S [REDACTED] entered his pockets and S [REDACTED] pockets, PO S [REDACTED] denied doing so. PO Hui and Sgt. H [REDACTED] both denied seeing PO S [REDACTED] do this and Mr. F [REDACTED] only learned that PO S [REDACTED] “checked” Mr. F [REDACTED] and S [REDACTED] after it occurred. The video captures PO S [REDACTED] frisking S [REDACTED] but not entering any pockets. However the video does not appear to capture the entire frisk of S [REDACTED] so it is possible that PO S [REDACTED] could have entered his pockets when the camera was not facing S [REDACTED]. While Mr. F [REDACTED] was being frisked and possibly searched by PO S [REDACTED] the camera was facing upwards towards the sky and did not capture what PO S [REDACTED] was doing. Additionally, PO S [REDACTED] told Mr. F [REDACTED] that he wanted to make sure that he only had change in his pocket before Mr. F [REDACTED] exited the vehicle. Given that Mr. F [REDACTED] had made the movements that prompted the officers to order everyone out of the vehicle, it is plausible that PO S [REDACTED] would have searched his pockets. However, without additional evidence the investigation cannot conclude whether or not PO S [REDACTED] searched Mr. F [REDACTED]. Therefore, it is recommended that **Allegations I and L** be closed as **unsubstantiated**.

**Allegation M – Abuse of Authority: Police Officer Samuel Hui searched the vehicle in which J [REDACTED] P [REDACTED] S [REDACTED] F [REDACTED] and an individual were occupants.**

**Allegation N – Abuse of Authority: Sergeant S [REDACTED] H [REDACTED] supervised the search of the vehicle in which S [REDACTED] F [REDACTED] J [REDACTED] P [REDACTED] and an individual were occupants.**

It is undisputed that PO Hui searched Mr. P [REDACTED] vehicle. Mr. F [REDACTED] (Board Review 11) stated that, after he, Mr. P [REDACTED] and S [REDACTED] were frisked, the officers told them to stand at the behind the car and face the officers’ vehicle. Sgt. H [REDACTED] stood at the back of the vehicle with them. One officer entered and searched Mr. P [REDACTED] vehicle. Mr. F [REDACTED] could not see exactly what PO Hui and PO S [REDACTED] were doing because he was facing away from Mr. P [REDACTED] car, but he thought he saw an officer halfway inside the driver’s side door of Mr. P [REDACTED] car. Mr. F [REDACTED] was not sure if it was PO Hui or PO S [REDACTED] who searched the vehicle. After about three minutes, the officers told Mr. F [REDACTED] Mr. P [REDACTED] and S [REDACTED] to get back inside the vehicle and they complied. Mr. P [REDACTED] statement (Board Review 12) corroborated Mr. F [REDACTED] statement. Mr. P [REDACTED] stated that at one point he turned around and “peeked” at the officers and saw PO Hui inside the car. First PO Hui checked the front area of the car and then moved the seat forward and checked the back area of the car. Mr. P [REDACTED] stated that he also observed PO Hui open the glove compartment. The officers did not remove anything from the car. The officers never looked in the trunk of the vehicle.

PO Hui (Board Review 13) stated that he went inside the vehicle and looked under the driver’s seat and passenger’s seat because he had observed Mr. F [REDACTED] reach under the seats earlier, but was not sure which seat he reached under. PO Hui was searching to see if there were any weapons under the seats. PO Hui only found garbage and plastic bottles. PO Hui denied looking anywhere in the car other than under the seats. PO Hui denied opening any compartments. PO Hui denied opening the glove compartment of the vehicle.

Nervousness and repeated looks at the officer's vehicle alone are insufficient to provide reasonable suspicion that there was a weapon located in a defendant's vehicle. Additionally, once an individual exits a vehicle, if there is no "actual and specific" threat to the safety of the officer, or any further justification to search the vehicle, such a search is unlawful, People v. Hackett, A.D.3d 1122; 850 N.Y.S.2d 676, 2008 (Board Review 17).

PO Hui's justification for searching Mr. F vehicle was because of Mr. F movements and the "black object" in Mr. F hand he had observed earlier. As determined in People v. Hackett, these movements alone were not enough to provide reasonable suspicion that there is a weapon located in Mr. F vehicle. Additionally, all of the occupants of the vehicle were removed, so even if there were a weapon in the vehicle, there was no longer an actual or specific threat to the officers' safety to justify a search, especially after all occupants of the vehicle had been frisked with negative results, as noted above. Therefore, it is recommended that **Allegations M and N** be closed as **substantiated**.

**Allegation O – Abuse of Authority: Sergeant S Hi made a video recording of S F**

**Allegation P – Discourtesy: Sergeant Stephen Hi acted discourteously towards S F**

It is undisputed that Sgt. Hi took out his personal cell phone and said he was going to video record Mr. F. It is disputed whether or not Sgt. Hi video recorded Mr. F on his personal cell phone.

During his interview, Mr. F (Board Review 11) indicated that Sgt. Hi was pictured in the video saying he was going to film him and then held up his phone. Mr. F was not sure what type of phone Sgt. Hi was holding up.

Mr. F (Board Review 12) stated that an officer took at his phone at one point and said he was recording also. Mr. F thought this was petty and did not think that the officer actually filmed anything on his phone.

Sgt. Hi (Board Review 14) stated that, while he was at the rear of the vehicle with Mr. F, Mr. P and S, Mr. F was filming on his cell phone and saying that cops had beaten him up and he was filming for his safety. Sgt. Hi decided to mimic Mr. F and took out his personal cell phone to film Mr. F. Sgt. Hi stated that he never actually filmed Mr. F and never turned his phone on. Sgt. Hi only took his phone out for two seconds and said that he was going to record Mr. F for his safety. Immediately, Sgt. Hi put his phone back in his shirt pocket.

In the video taken by Mr. F (Board Review 03, 04, and 06) at 03:00, Sgt. Hi is pictured in the video taking his cell phone out of his front pocket and saying, "Should I film you?" Sgt. Hi holds his camera up to Mr. F camera. Sgt. Hi puts his phone away at 03:17, 17 seconds after he took it out.

Officers are prohibited from using any personal electronic/digital device to record video and/or audio or take photographs during a police encounter, Patrol Guide Procedure 203-06, "Performance on Duty – Prohibited Conduct" (Board Review 18).

Members of service should be courteous and respectful, Patrol Guide Procedure 203-09, "Public Contact – General" (Board Review 19).

While Sgt. Hi stated that he did not actually film Mr. F on his personal cell phone, there is no evidence to determine whether or not this statement was true. According to the



video, Sgt. Hi [REDACTED] had his cell phone out for 17 seconds, which is much longer than two seconds, which was the amount of time he stated during his interview that his phone was out. Given the amount of time that Sgt. Hi [REDACTED] actually had his phone out, the preponderance of the evidence suggests that he did film Mr. F [REDACTED] with his personal cell phone. Additionally, given that Sgt. Hi [REDACTED] only did this to “mimic” Mr. F [REDACTED] Sgt. Hi [REDACTED] acted in a discourteous manner towards Mr. F [REDACTED] and was not acting within department guidelines. Therefore, it is recommended that **Allegations O and P** be closed as **substantiated**.

**Allegation Q – Discourtesy: Police Officer Samuel Hui acted discourteously toward J [REDACTED] P [REDACTED]**

Mr. P [REDACTED] (Board Review 12) stated that about 15 minutes after he, Mr. F [REDACTED] and S [REDACTED] got back in the vehicle, PO Hui returned to his driver side window to issue him a summons for having a defective brake light. Mr. P [REDACTED] told PO Hui that his brake light was not broken and there was nothing wrong with it. PO Hui told Mr. P [REDACTED] to get his brake light fixed and bring the receipt to the stationhouse within 24 hours. Mr. P [REDACTED] asked how he could get a receipt for something that was not broken. Mr. P [REDACTED] said that his car is a standard transmission so he did not have to press the brake at the stop light. PO Hui got fed up and threw Mr. P [REDACTED] license, registration, insurance, keys, and the summons onto Mr. P [REDACTED] lap.

Mr. F [REDACTED] (Board Review 11) stated that PO Hui threw the summons at Mr. P [REDACTED] face.

PO Hui (Board Review 13) stated that Mr. P [REDACTED] had his hand open near his lap and was not reaching up for the summons. PO Hui reached into the window and dropped the summons into Mr. P [REDACTED] hand. PO Hui denied throwing the summons at Mr. P [REDACTED]

Sgt. Hi [REDACTED] (Board Review 14) stated that, while PO Hui and Mr. P [REDACTED] “did not make great contact” when PO Hui issued Mr. P [REDACTED] the summons, PO Hui did not throw the summons at Mr. P [REDACTED]

PO S [REDACTED] (Board Review 15) did not see PO Hui throw the summons at Mr. P [REDACTED]

In the video taken by Mr. F [REDACTED] (Board Review 03, 04, and 07) at 14:04, PO Hui returns to the car to issue Mr. P [REDACTED] a summons. PO Hui and Mr. P [REDACTED] proceed to argue about the validity of the summons. At 14:25 PO Hui holds the summons inside Mr. P [REDACTED] window and says, “You want it?” Mr. P [REDACTED] responds asking how he is supposed to get a receipt for his tail light. At 14:27, PO Hui tosses the summons, other documents, and Mr. P [REDACTED] keys into the car.

Members of service should be courteous and respectful, Patrol Guide Procedure 203-09, “Public Contact – General” (Board Review 19).

Given that, in the video, PO Hui is clearly pictured tossing Mr. P [REDACTED] belongings and the summons onto Mr. P [REDACTED] PO Hui was not acting within department protocol when he issued the summons to Mr. P [REDACTED] Therefore, it is recommended that **Allegation Q** be closed as **substantiated**.

**Allegation R – Discourtesy: Police Officer Samuel Hui spoke discourteously to J**

**P**

**Allegation S – Abuse of Authority: Police Officer Samuel Hui threatened to arrest J**

**P**

It is disputed whether or not PO Hui said, “It means we could fucking arrest you right now. Do you want to get arrested right now?” in response to Mr. P question about what probable cause meant.

Mr. P (Board Review 12) stated that, after PO Hui issued the summons to him, he exited his vehicle and told the officers that everything they did was illegal. PO Hui was standing near the rear of Mr. P vehicle and told Mr. P to get back in his vehicle because he was causing traffic. Mr. P said that PO Hui had no right to check his car because he did not consent to it. Mr. P asked PO Hui what probable cause meant. Initially, Mr. P stated that PO Hui responded saying, “It means we could fucking arrest you right now. Do you want to get arrested right now?”

Mr. F (Board Review 11) did not state that PO Hui threatened to arrest Mr. P or used any discourteous language. Mr. F was not sure which officer Mr. P was arguing with when he exited the vehicle.

PO Hui (Board Review 13) denied telling Mr. P “It means we could fucking arrest you right now. Do you want to get arrested right now?” PO Hui said he never curses. PO Hui told Mr. P to remain in his vehicle, but Mr. P kept getting closer to PO Hui. PO Hui explained to Mr. P that he was blocking traffic and if he did not remove his vehicle, he could be issued a summons.

Sgt. H (Board Review 14) did not recall Mr. P asking PO Hui what probable cause meant. Sgt. H did not hear PO Hui threaten to arrest Mr. P after he got out of his car. Sgt. H did not recall hearing PO Hui tell Mr. P “It means we could fucking arrest you right now. Do you want to get arrested right now?” Sgt. H did not hear PO Hui or any officer uses discourteous language.

PO S (Board Review 15) also did not hear PO Hui tell Mr. P “It means we could fucking arrest you right now. Do you want to get arrested right now?” but laughed and said that he thought it was a decent definition of probable cause. PO S did not recall any officer using profanity.

In the video taken by Mr. F (Board Review 03, 04, and 06) Mr. P exits the vehicle at 14:29 and gets back in the vehicle at 15:45. The entire time Mr. P is outside the vehicle, Mr. F and S are yelling at him to get back in the car. The only statements audible statements by officers are telling Mr. P to get back in the car. Any other statements were inaudible due to Mr. F and S yelling at Mr. P. At no point can the statement, “It means we could fucking arrest you right now. Do you want to get arrested right now?” be heard.

Given that officer testimony directly contradicts Mr. P testimony, and the alleged statement is not documented in the video, the investigation cannot determine whether or not PO Hui told Mr. P “It means we could fucking arrest you right now. Do you want to get arrested right now?” Therefore, it is recommended that **Allegations R and S** be closed as **unsubstantiated**.

**Allegation T – Abuse of Authority: Police Officer Samuel Hui refused to provide his shield number to J. P.**

Mr. P. (Board Review 12) stated that, while standing outside his vehicle he asked PO Hui for his shield number. PO Hui told Mr. P. it was on the summons. When Mr. P. looked at the summons, the shield number was not easy to understand.

Mr. F. statement (Board Review 11) corroborated Mr. P. statement.

PO Hui (Board Review 13) stated that he gave Mr. P. a contact card, which had all of his information on it, wrapped inside the summons. PO Hui did not remember if Mr. P. ever asked for his shield number. PO Hui remembered telling Mr. P. “Everything is in the summons,” by which he meant that everything Mr. P. needed to know was wrapped in the summons.

The copy of the summons that Mr. P. provided at the time of his interview (Board Review 02) was completely illegible. However, the summons had also been crumpled and worn out.

The receipt received from IAB for the request sent to the 75<sup>th</sup> Precinct (Board Review 20) indicated that they did not have a copy of the original summons on file.

Members of the service must courteously and clearly state their rank, name, shield number and command, or otherwise provide them, to anyone who requests them to do so, Patrol Guide Procedure 203-09, “Public Contact – General” (Board Review 19).

Neither Mr. P. nor Mr. F. indicated that PO Hui gave Mr. P. a contact card. Without the copy of the handwritten summons, the investigation cannot determine whether or not PO Hui refused to provide his shield number to Mr. P. Therefore, it is recommended that **Allegation T** be closed as **unsubstantiated**.

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Squad:

Investigator: \_\_\_\_\_  
Signature Print Date

Squad Leader: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date